

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

HERSEL RAYMAR BRADLEY,
Defendant.

8:02CR218

ORDER

Defendant Hersel Raymar Bradley (Bradley) appeared before the court on October 12, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 54) as Amended (Filing No. 56). Bradley was represented by Donald L. Schense and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through his counsel, Bradley waived his right to a probable cause hearing on the Amended Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Amended Petition alleges probable cause and that Bradley should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Bradley requested the matter be set for a detention hearing. The hearing was scheduled for October 18, 2012.

On October 18, 2012, Bradley appeared before the court with his counsel, Mr. Schense. The United States was represented by AUSA Higgins. Through counsel, Bradley waived a detention hearing. Since it is Bradley's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Bradley has failed to carry his burden and that Bradley should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on November 8, 2012**. Defendant must be present in person.

2. Defendant Hersel Bradley is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 18th day of October, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge